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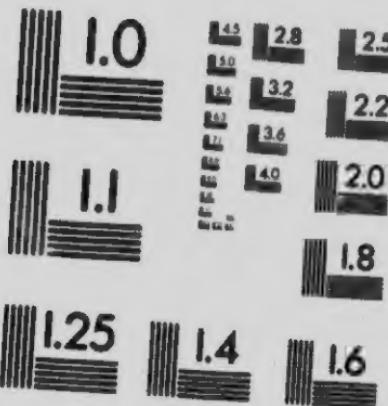
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The Genesis
of the
Confederation of Canada

Read at the meeting of the Western Historical Association,

Buffalo, N.Y.

CHARLES D. ALLIN,

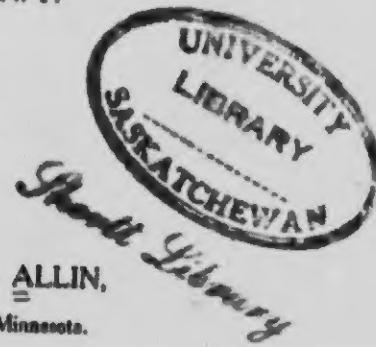
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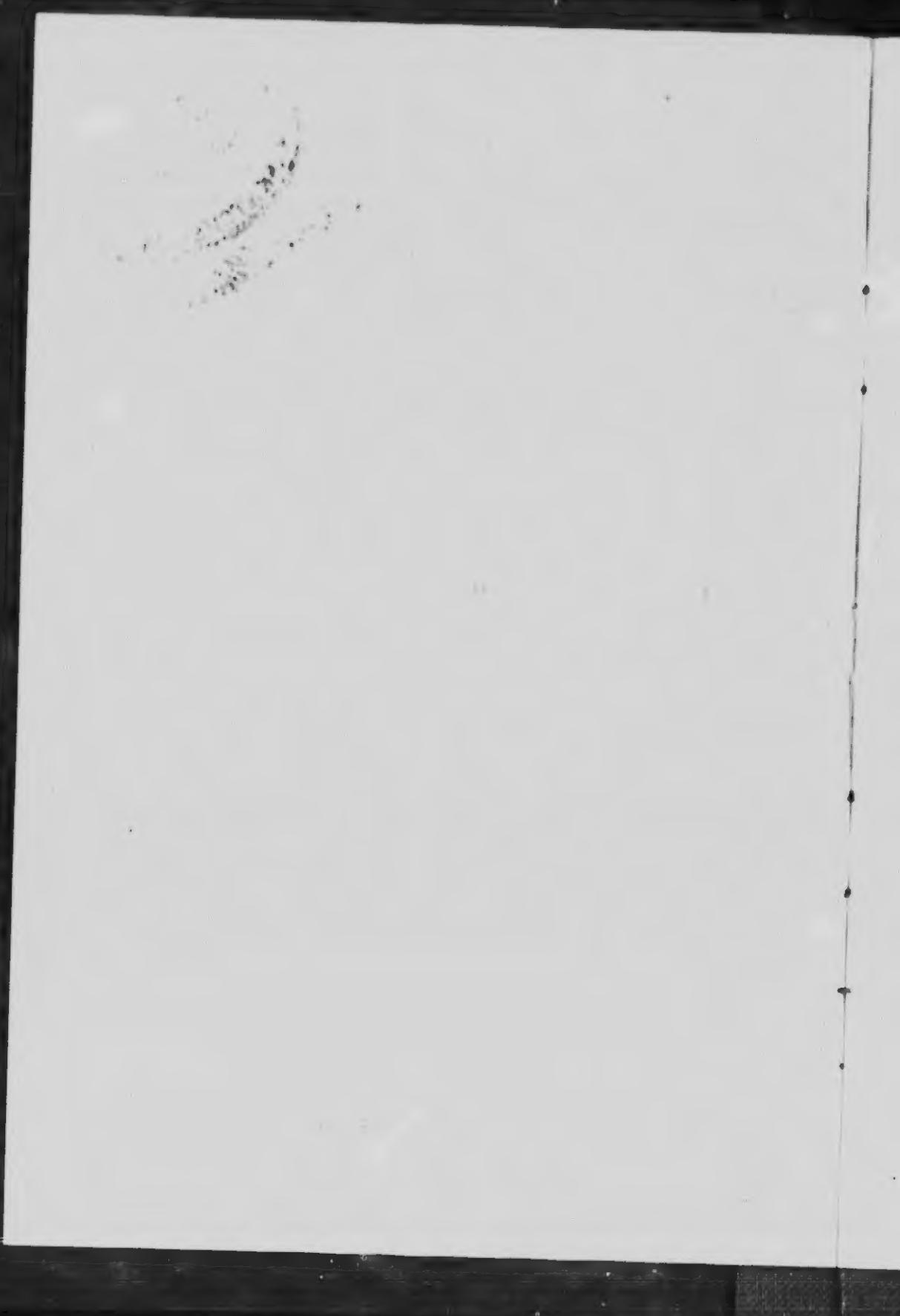
Read at the meeting of the American Historical Association,
Buffalo, N. Y.

by

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THE GENESIS OF THE CONFEDERATION OF CANADA

The British American League was the product of unusual combination of circumstances, the strife of parties and economical distress and political disaffection. The responsible government marked the passing of the old regime of privilege in church and state; the enactment of the Rebellion Losses Bill embittered the Tory party and almost plunged the country into a civil war; the withdrawal of the system of imperial preference reduced the colony to the verge of bankruptcy and drove many members of the commercial community into a dangerous agitation for annexation. The moment was opportune for the birth of a new organization. The old parties and policies had failed. There was a turmoil in men's minds, a presentiment of approaching change. The public did not know definitely what they wanted, but were ready to welcome any party or measure which promised to afford relief for the country's ills.

The League was founded in Montreal, the centre of racial antagonism and political discontent. By gathering together all the disaffected elements of the country, the founders of the League hoped to build up a strong political organization on the ruins of the old Tory party. An active campaign was immediately undertaken to carry the organization throughout the province. To that end, an address to the public was prepared setting forth in detail the manifold evils, social, economic and political, from which the country was suffering and calling for a provincial convention to deal with these conditions.

The object's of the League were designedly left in a state of vague uncertainty in the hope of attracting all the discordant and disaffected spirits of the province. The bulk of the membership of the League was recruited from among the Tories, particularly from the younger and more modern section of the party, but the local associations did not hesitate to welcome into membership disgruntled Reformers, radicals and even annexationists. So large was the accession of annexationists, particularly in the Montreal district, that for a time it was feared that they might capture the organization and turn it to their own use.

The convention which met at Kingston in July, 1849, was a veritable "cave of Adullam," a heterogeneous body representative

of almost every section of the public save the French Canadians. On the third day of the convention a resolution was presented: "That in the opinion of this convention an union of all the British North American provinces would most materially conduce to the prosperity of those colonies and to the integrity of the British Empire."

The resolution called forth an animated, if not enlightening, debate. On behalf of the resolution, it was contended by various speakers that the Act of Union had been a failure; its principal result had been to hand the English population over to the tender mercies of the French-Canadians. It was useless for Upper Canada to think of separation since England would not consent to it, and even though the union were dissolved, Upper Canada could not hope to maintain an independent existence without access to the sea. The idea of a federal union was not new. It had been broached by British statesmen even prior to the Declaration of Independence, as a means of resisting the aggressions of the French. Such an union was even more imperatively demanded at this moment on both national and imperial grounds. It would restore the ascendancy of the Anglo-Saxon race in Canada, open up a large field for industry and political ambition, develop a higher moral consciousness, strengthen the motherland instead of burdening her as at present, and set up an equipoise to the preponderant power of the United States in America. One of the delegates also threw out the suggestion that the Hudson Bay Territory should be brought under the control of the federal government.

Some of the delegates accepted the policy of an intercolonial union with considerable misgiving. They were far from convinced either of the utility or the practicability of the proposal, although they were prepared to support it as the best available means of escape from a dangerous situation. A federal union, it was feared, might aggravate rather than solve the difficulty of French domination by leaving the English population in Quebec even more helplessly at the mercy of their French fellow citizens. One of the speakers ventured to predict that the future relations of Canada and the United States would be much more intimate than in the past. Before many years had elapsed the United

States would be rent in twain by the slavery issue. Some of the Northern States would then desire to enter into a union with Canada. The topography of the continent and the natural sequence of events marked this out as the ultimate fate of the British American provinces.

But the scheme did not pass unchallenged. An amendment was proposed incorporating the principle of colonial representation in the Imperial Parliament into the scheme of a federal union. The colonies, it was contended, were not strong enough to stand alone. An imperial federation was the only alternative to annexation. The project of imperial representation, however, did not find favor among the members, who feared that it would impose on the colonies a heavy burden of imperial expenditure.

Although the convention was strongly favorable to the principle of a colonial union, many of the delegates were of the opinion that the resolution was too pretentious and far-reaching in character. Little was known of the sentiments of the sister colonies in respect to the proposed union and, until there was some definite information before them, the delegates were not in a position to pass an intelligent opinion on, or proceed with, the plan of union. To meet this objective, a substitute motion was presented and unanimously accepted, that delegates be appointed to meet at Montreal and consult with similar representatives from Nova Scotia and New Brunswick in regard to the practicability of an intercolonial union, the results of their deliberations to be referred back to the next convention of the League for final determination.

The plan of an international union, it must be confessed, commended itself to the delegates rather as an opportune and utilitarian measure than as a truly national policy. There was, at the time, a rumor to the effect that the British Government was about to propose a plan of union. The action of the provincial government in sending two of the ministers to the Maritime Provinces to negotiate a reciprocal trade agreement seemed to confirm the impression that a federal union was on the tapis. These rumors were not without influence in predisposing the delegates to anticipate the policy of their political opponents by a previous declaration in favor of union. Moreover, it was neces-

sary to formulate an attractive political program as an alternative to the competing policies of the Reform and Annexation parties in favor of reciprocity and annexation respectively. The plan of an intercolonial union apparently satisfied this demand. It made a favorable appeal to the diverse and conflicting elements of the League; to the imperialists it held out the prospect of preserving the British connection; to the nationalists, an equal prospect of ultimate independence; to the Orangemen it appealed as a means of overcoming the domination of the French; to the business public it promised economic relief and a larger market.

Throughout the debates but scant attention was paid to the question of the nature of the proposed union. Although the majority of the speakers spoke of the union as a federal union, there was evidently a division of opinion among the delegates in regard to the matter; and the convention carefully refrained from deciding the question in advance. The delegates, in truth, were not in a position to discuss even the most elementary outlines of the suggested union. The scheme was practically new to all of them. They had made no preliminary study of the question and had only a rudimentary knowledge of the principles of federalism.

Soon after the close of the convention the committee on union opened up negotiations with the Maritime Provinces for the holding of a conference. But at the very outset, the committee found themselves in difficulty. They had no official standing and not even a representative character. To make matters worse the governments of Nova Scotia and New Brunswick were of the Reform party. The Hon. Joseph Howe had already denounced the League in unsparing terms. The Conservatives in the Maritime Provinces could render little assistance to their friends in Canada, for they were a beaten and discredited party. To the best of the committee's knowledge there was not a single political association in Nova Scotia, Prince Edward Island and Newfoundland with which the committee could deal. Personal communications were accordingly addressed "to prominent and influential citizens in Halifax," inviting their aid and co-operation in promoting the plan of an intercolonial union. But the response was far from encouraging.

The correspondence with New Brunswick was more successful. In St. John's a Colonial Association had been formed somewhat similar in character to the League. It received the overtures of the committee most favorably and appointed delegates to represent the Association at the proposed conference. As there appeared but little prospect of favorable reply from the other colonies by the sea, the committee decided to go on with the conference with the Colonial Association alone.

From the very outset the conference was doomed to failure. It was a weak, unrepresentative body without influence or prestige. The delegates met at a most inopportune moment. The citizens of Montreal had just been thrown into a high state of excitement over the appearance of the annexation manifesto. As a natural consequence the proceedings of the convention attracted but little public attention. The delegates were ill-equipped for their mission. The representatives of the Colonial Association were not authorized to act definitely, but only to ascertain the views of the League and to report back to the Association. The committee of the League were not prepared with any specific plan of proceeding and had nothing definite to submit. All that the delegates could do was to talk over in the most general way, the questions of the expediency of a union and the best form of a constitution for the provinces in case they should unite.

It was the unanimous opinion of the conference that a union was desirable, especially as a means of increasing the influence of the colonies at Westminster, of overcoming the ascendancy of the French and of securing an extension of the powers of self-government. The delegates of the League were opposed to a federal union on account of the great expense of such a complex system of government, but the New Brunswick representatives refused to "recommend a legislative union unless Canada would consent that the lower colonies should have sufficient influence in one House, the legislative council, to enable them at all times to interpose an effectual check on all measures which tended in any way to their detriment! The committee recognized that the proposition of the Maritime delegates was a reasonable one "that Canada ought not to and would not oppose." There was a great difference of opinion among the delegates in respect to the details

of the proposed constitution, but it was generally agreed that all conflicting opinions could be easily reconciled if the colonies were sincerely desirous of effecting a union. The New Brunswick delegates, however, refused to pledge themselves in any way as to the course which New Brunswick would ultimately pursue.

The practical results of the conference were summed up in a resolution, "That a union of the British American provinces on mutually advantageous and finally arranged terms with the concession from the mother country of enlarged powers of self-government (including the unrestricted privilege of making laws to regulate and protect their commercial and industrial interests and to reduce the expenditure of the civil governments to an adequate scale), appears essential to the prosperity of the provinces."

The conference further resolved that deputations from the two societies should meet at Halifax on as early a date as possible with such gentlemen from the other provinces as might attend "for the purpose of maturing a general plan for uniting the North American provinces," the said plan to be submitted to the people of the several provinces for acceptance or rejection. It was also agreed that a convention of the League should be summoned to deal with the various matters which had been raised at the conference.

Accordingly, the executive of the League soon after issued a call for a convention to meet in Toronto the beginning of November. The convention was, as on the last occasion, a heterogeneous medley of men of the most diverse opinions. There was a marked falling off in attendance, an unmistakable evidence of the rapidly diminishing influence of the League.

The question of union came up on a resolution declaring "that it is expedient that the legislature should authorize the holding of a general convention of delegates from all the provinces to draw up a new constitution for the British American colonies. The delegates plunged at once into a lively discussion of the best mode of procedure to bring about a union. An amendment was proposed to the effect that the League should proceed to draw up a plan of union for submission to the respective colonies, the plan, if adopted, to be then referred by the several

legislatures to the Imperial Parliament for confirmation. On behalf of the motion it was contended that the only constitutional way of dealing with the question was through the legally chosen representatives of the people, and that the English government would not heed the representations of any other body of men. Moreover, the convention had not sufficient information before it to justify an attempt to frame a draft constitution for the other provinces. If the legislature should refuse to act, then and then only would the League be warranted in petitioning the Governor-General to dissolve the Assembly in order that the country might have an opportunity of expressing an opinion on the program of the League. The supporters of the amendment, on the other hand, were suspicious of the intervention of the legislature. They feared that the legislature would either fail to act or would seek to rob the convention of the honor of originating the federal movement. The amendment, it was claimed, would expedite matters. The Maritime Provinces were looking to the League for leadership and expected the convention to draw up a definite scheme of union for submission to an intercolonial conference. Upon a division, the amendment was declared carried.

But the convention quickly realized its inability to proceed with the delicate and difficult undertaking of drafting a constitution. A series of resolutions setting forth in vague and immatured terms the general principles upon which the proposed union should be constituted, together with a rough outline of a federal constitution, were laid before the members but no action whatever was taken upon them. The convention completed its session by adopting a resolution providing that "inasmuch as time did not permit of the conference digesting the principles of a constitution for the union" a deputation should be appointed by the central society to meet in Halifax with such gentlemen as may be appointed by the other provinces to discuss the terms of the union and to report back "to the central society and to this or any other future convention as also to the public" such information and suggestions "as may be thought useful."

A review of the proceedings of the convention brings out clearly the fact that no substantial progress was made with the project of a federal union. The resolutions and discussions cov-

ered much the same ground as at the previous convention. The delegates had nothing definite before them. They did not even venture to outline a plan of union or to prepare instructions for the delegates to be sent to the Halifax conference. They left the question in the same nebulous state in which they found it. The debates throw little light on the opinions of the members in regard to the form of union, though the delegates generally assumed that the union would be federal in character. There was, however, a difference of opinion in some quarters as to whether the federal government should be endowed with comprehensive or restricted powers of legislation. A proposal was put forward that the members of the Legislative Council should be chosen, like the American Senate, by the legislatures of the respective provinces. But neither this proposal nor the further suggestion to subject the selection of Councillors to the royal veto met with much favor. The convention, in truth, was not a constructive body; its personnel was weak and there was a signal lack of leadership throughout the proceedings. It was much more interested in the local political situation and in fighting out its internal differences than in the noble ideal of a united confederation.

The following May, the central committee of the League issued a manifesto in which they called upon the members to petition the Legislature "to pass an address to the Governor-General and both Houses of Parliament praying them to authorize by an imperial act the people * * * to hold a general convention of delegates for the purpose of considering and proposing a constitution for the government of this province and with power to act in concert with delegates from such of the other British Provinces in North America as may be desirous of forming a federal union with Canada, such constitution to be afterward submitted to the people for ratification." This manifesto marks the end of the activity of the League. Neither the government nor the legislature paid any attention to its representations. There was nothing further that the executive could do. By the end of the year the League had practically disappeared; it was absorbed in the Conservative party.

Although the League cannot claim the honor of originating the project of an intercolonial union, nevertheless it is entitled to the credit of attempting to popularize the project and make it a distinct political issue. The proposal was undoubtedly premature for the people of Canada and the Maritime Provinces were strangers to one another. Their social and economic relations with each other were much less intimate than their relations with either Great Britain or the United States. A national consciousness had not yet arisen. An imperial citizenship was the all-sufficing bond of union. The plan of a federal union was attractive in appearance, but it failed to commend itself to the general public as a practical measure of relief. The community at large were not interested in constitutional experiments; they demanded immediate and effective remedies for the country's ills. No attempt had been made to instruct them as to the advantages of a federal union or as to the principles of a federal constitution. They were entirely in the dark in regard to the national significance and imperial importance of such a measure. They called for bread and the League was apparently offering them a stone. It is little wonder, under these circumstances, that the policy of the League failed to commend itself to the electorate. Within a few brief months, the whole scheme of federation was practically forgotten though a few individuals attempted to revive it somewhat later. But the efforts of the League were not entirely fruitless. Thanks to the League's propaganda, the Canadian public were familiarized with the idea of a federal union and were made conversant with some of the chief advantages of a confederation. The seed which was then sown on unfavorable soil sprang up and bore abundant fruit a few years later in the Confederation of Canada under the British North America Act of 1867.



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